GOVERNMENT OF INDIA
RAILWAYS
LOK SABHA

UNSTARRED QUESTION NO:5056
ANSWERED ON:21.12.2000
. NEGLIGENCE IN DISPOSAL OF CASES.
RAVINDRA KUMAR PANDEY

Will the Minister of RAILWAYS be pleased to state:

(a) Whether the Central Administrative Tribunal (CAT)has penalized the General Manager of the Northern Railwayfor negligence in disposal of cases;

(b) if so, the details thereof ; and

(c) the action taken by the Government thereon?

Answer

MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI DIGVIJAY SINGH)

(a) It is true that the Hon`ble CAT/New Delhi passedan order against General Manager/Northern Railway in a particular case. However, it was not for any negligence on the part of the General Manager in disposal of the case;

(b) and (c) In compliance to the order of the Central Administrative Tribunal dated 29.11.99 in O.A. No. 2143/97, thetwo applicants (Shri Subodh Kumarand Shri Sultan Singh) were offered appointment as Safaiwalas in Commercial department vide letter dated 21.9.2000. Both the applicants accepted the same and also deposited the fee for medical examination, a prerequisite for joining duty.

Concealing the fact of their acceptance of the post of Safaiwalas, Shri Subodh Kumar and Shri Sultan Singh filed a contempppetition before the Central Administrative Tribunal, New Delhi, for non-compliance of the judgement dated 29.11.99.

At the admission stage itself the Hon`ble Tribunal took a view on 16.11.2000 that the Administration has disobeyed its orders dated 29.11.99 & 24.10.2000 and passed orders against the General Manager, Northern Railwaywith simple imprisonment till rising of the court and a fine of Rs. 5000/- to be paid by him personally and not from his department.

The Hon`ble Tribunal also passed order on 16.11.2000 that the petitioners should be appointed as Khalasis immediately. This was complied with on 16.11.2000 itself.

It is the perception of the Department that the Hon`ble Tribunal passed orders dated 16.11.2000 for imposition of punishment on General Manager, without following the proper procedure for contempt petition under rule 13 of contempt of court(CAT). Rules, 1992, without giving any opportunity to explain and also without disposing the Miscellaneous Application for clarification which was admitted by the same bench on 13th Nov 2000.

Therefore, a Writ Petition has been filed in the Delhi High Court, challenging the order dated 16.11.2000 of Central Administrative Tribunal/New Delhi. The case is listed for hearing in High Court in 5.2.2001.